

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JIM BAUGH and  
DAVID HARVILLE,

Defendants

- )      Criminal No. 20cr10263
- )
- )      Violations:
- )
- )      Count One: Conspiracy To Commit Stalking  
          ) Through Interstate Travel and Through  
          ) Facilities of Interstate Commerce  
          ) (18 U.S.C. § 371)
- )
- )      Counts Two - Five: Stalking Through Interstate  
          ) Travel; Aiding and Abetting  
          ) (18 U.S.C. §§ 2261A(1) and 2)
- )
- )      Counts Six - Nine: Stalking Through Facilities  
          ) of Interstate Commerce; Aiding and Abetting  
          ) (18 U.S.C. §§ 2261A(2) and 2)
- )
- )      Counts Ten - Twelve: Tampering with a  
          ) Witness; Aiding and Abetting  
          ) (18 U.S.C. §§ 1512(b)(3) and 2)
- )
- )      Counts Thirteen - Fifteen: Destruction,  
          ) Alteration, and Fabrication of Records in a  
          ) Federal Investigation; Aiding and Abetting  
          ) (18 U.S.C. §§ 1519 and 2)
- )
- )      Forfeiture Allegations:  
          ) (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C.  
          ) § 2461(c))

## INDICTMENT

At all times relevant to this Indictment:

### General Allegations

1. Defendant JIM BAUGH (“BAUGH”) lived in San Jose, California. BAUGH was employed as Senior Director of Safety & Security at eBay, a multinational ecommerce business that operated marketplaces that connected online sellers and their customers. BAUGH ran eBay’s Global Security and Resiliency (“GSR”) business, a company division responsible for, in general terms, the physical security of eBay’s employees and facilities worldwide.

2. Defendant DAVID HARVILLE (“HARVILLE”) lived in Gilroy, California. HARVILLE, who reported to BAUGH, was eBay’s Director of Global Resiliency, a unit focused on ensuring that eBay could continue to operate after business disruptions, such as security threats, political unrest, or natural disasters.

3. Stephanie Popp (“Popp”) lived in San Jose, California. Popp was eBay’s Senior Manager of Global Intelligence and served as BAUGH’s de facto chief of staff. Before May 2019, Popp managed eBay’s Global Intelligence Center (“GIC”), an intelligence and analytics group within the GSR that supported eBay’s security operations.

4. Stephanie Stockwell (“Stockwell”) lived in Redwood City, California. Stockwell was an intelligence analyst in the GIC who became its manager in mid-2019, when eBay promoted Popp.

5. Veronica Zea (“Zea”) lived in Santa Clara, California. Zea was an eBay contractor who worked as an intelligence analyst in the GIC.

6. Brian Gilbert (“Gilbert”) lived in San Jose, California. Gilbert was a Senior Manager of Special Operations for eBay’s Global Security Team and previously worked as a police captain in Santa Clara, California. Gilbert was responsible for, among other things, executive protection, special events security, and safety at eBay’s North American offices.

7. Philip Cooke lived in San Jose, California. Cooke supervised security operations at eBay’s European and Asian offices and previously worked as a police captain in Santa Clara, California.

8. Victim 1 lived in Natick, Massachusetts. Victim 1 was a reporter and editor of an online newsletter (“the Newsletter”) that covered ecommerce companies, including eBay. Victim 1 used a Twitter account in the Newsletter’s name to promote her reporting.

9. Victim 2 lived in Natick and was married to Victim 1. Victim 2 was the publisher of the Newsletter.

#### Background and Overview of the Conspiracy

10. In or about 2019, defendants BAUGH, HARVILLE, and others at eBay were aware that members of eBay’s senior leadership perceived the Newsletter as a threat to eBay’s public image. These senior eBay executives disliked the Newsletter’s content and comments that the Newsletter’s readers posted underneath Victim 1’s articles.

11. Accordingly, beginning on or about August 5, 2019 and continuing through at least September 6, 2019, BAUGH and HARVILLE conspired with Gilbert, Cooke, Popp, Stockwell, Zea, and others to harass and intimidate the Victims, and to place them under surveillance with the intent to harass and intimidate them, through repeated and hostile Twitter messages, deliveries of unwanted—and in some instances disturbing—items to the Victims’ home, and travel to

Massachusetts to conduct physical surveillance. The defendants and their coconspirators' conduct caused, attempted to cause, and would reasonably be expected to cause substantial emotional distress to the Victims.

12. The purposes of the harassment campaign were, among other things, to distract the Victims from publishing the Newsletter, to alter the Newsletter's coverage of eBay, and to gather information that the defendants and their coconspirators could use to discredit the Victims and the Newsletter.

13. In addition, BAUGH, HARVILLE and their coconspirators took steps to conceal their harassment campaign from eBay investigators and state and federal authorities by, among other things, monitoring law enforcement communications, forging records, lying to investigators, and destroying evidence.

#### Objects and Purposes of the Conspiracy

14. The objects of the conspiracy were to commit stalking through interstate travel and through facilities of interstate commerce. The purposes of the conspiracy were to engage in a clandestine campaign to harass and intimidate the Victims, and thereby to interrupt and change the Newsletter's coverage, while avoiding law enforcement detection and prosecution.

#### Manner and Means of the Conspiracy

15. Among the manner and means by which defendants BAUGH and HARVILLE conspired with Gilbert, Cooke, Popp, Stockwell, Zea, and others to carry out the conspiracy were the following:

- a. Creating Twitter accounts in false names that featured ominous profile photos.

- b. Using these Twitter accounts to send threatening private direct messages (“DMs”) to Victim 1 about her, Victim 2, and the Newsletter.
- c. Publicly posting the Victims’ home address on Twitter, while suggesting in threatening messages that eBay sellers who were angry about the Newsletter’s coverage were going to visit the Victims’ home.
- d. Ordering unwanted and scary items and services to the Victims’ home, and ordering items intended to embarrass the Victims to their neighbors’ addresses.
- e. Posting online advertisements for fictitious events at the Victims’ home, including sexual encounters, to encourage strangers to visit them there.
- f. Traveling to Natick to install a GPS device on the Victims’ car, and to surveil the Victims in their home and in their community.
- g. Monitoring law enforcement communications to avoid detection.
- h. Establishing false cover stories for the surveillance trip, including that the coconspirators were investigating the Victims for threatening eBay’s CEO.
- i. Continuing surveillance, even after the Victims had detected it, with the purpose of intimidating them.
- j. Disguising their roles in the conspiracy by harassing and intimidating the Victims using prepaid cell phones and laptops, VPN services, overseas email accounts, and prepaid debit cards purchased with cash.
- k. Offering the Victims assistance with the very harassment they were committing, to earn the Victims’ good will (“the White Knight Strategy”).
- l. Making false and misleading statements to NPD personnel who were investigating the threatening communications, harassing deliveries, and surveillance of the Victims.
- m. Communicating by WhatsApp regarding how to harass the victims and how to respond to the NPD investigation.
- n. Creating a “dossier” of their own threats to the Victims, which they planned to show to the NPD as proof that Zea and HARVILLE were in Massachusetts investigating the harassment of the Victims (purportedly by third parties).

- o. Exchanging ideas as to how best to thwart the NPD investigation, including creating false suspects, continuing the harassing deliveries, fabricating cover stories, and intervening with any San Jose area police that the NPD contacted to further its investigation.
- p. Lying to eBay investigators who were responding to NPD requests for eBay's assistance.
- q. Exchanging ideas as to how best to thwart eBay's internal investigation.
- r. Deleting the contents of computers, cell phones, and social media accounts that evidenced the harassment and intimidation campaign and the defendants' and their coconspirators' efforts to obstruct the NPD investigation.

Overt Acts in Furtherance of the Conspiracy

16. From on or about August 5, 2019 through at least September 6, 2019, defendants BAUGH and HARVILLE, together with Gilbert, Cooke, Popp, Stockwell, and Zea, committed and caused to be committed the following overt acts, among others, in furtherance of the conspiracy:

- a. On or about August 6, 2019, BAUGH, Gilbert, Cooke, and Popp met at eBay headquarters to plan the White Knight Strategy.
- b. On or about August 6, 2019, BAUGH, Popp, Stockwell, Zea, and other members of the GIC met at eBay headquarters to plan the delivery to the Victims' home of unwanted and disturbing items to distract the Victims from publishing the Newsletter.
- c. On or about August 6, 2019, Stockwell purchased a laptop computer at a Best Buy store in San Jose, California for use in the harassment and intimidation campaign.
- d. On or about August 6, 2019, Popp created a Twitter account in the name of “@Tui\_Elei” that used a picture of a skeleton mask as a profile picture.
- e. On or about August 7, 2019, Popp sent the following DMs from the @Tui\_Elei Twitter account to Victim 1’s Twitter account:

- “[Victim 1’s First Name]...whats your problem w/ebay? You know that’s how we pay rent.”
- “HELLO!!!!!!”

f. On or about August 8, 2019, Zea and a GIC analyst purchased prepaid debit cards with cash at a Santa Clara, California supermarket for use in ordering harassing deliveries to be sent to Victims 1 and 2.

g. On or about August 9, 2019, Popp sent the following DMs from the @Tui\_Elei Twitter account to Victim 1’s Twitter account:

- “WTF...whats it goin to take for u to answer me??”
- “I guess im goin to have to get ur attention another way bitch...”
- “U don’t have the balls to talk to me?? Stop hiding behind ur computer screen u fuckin cunt!!!”

h. On or about August 9, 2019, Stockwell used an anonymous email account to order live spiders and fly larvae for delivery to the Victims’ home.

i. On or about August 9, 2019, one or more members of the conspiracy ordered a subscription for pornographic magazines in the name of Victim 2 to be sent to the Victims’ neighbors.

j. On or about August 9, 2019, one or more members of the conspiracy attempted to order a pig fetus for delivery to the Victims’ home.

k. On or about August 10, 2019, one or more members of the conspiracy ordered a Halloween Pig Mask for delivery to the Victims’ home.

l. On or about August 10, 2019, Popp sent the following DM from the @Tui\_Elei Twitter account to Victim 1’s Twitter account:

- “DO I HAVE UR ATTENTION NOW????”

m. On or about August 10, 2019, Popp sent the following DMs from the @Tui\_Elei Twitter account to Victim 1’s Twitter account:

- “Ur fat fuck pussy husband [Victim 2’s first name] needs to put u in line cunt.”
- “after he takes the plugs out of his asshole...fuckin pussies!!!”

- n. On or about August 11, 2019, BAUGH directed HARVILLE to travel with him to Boston for an “op” targeting Victim 1 and her website (*i.e.*, the Newsletter).
- o. On or about August 11, 2019, BAUGH sent HARVILLE the following text message: “I won’t send the bosses texts, but I’ve been ordered to find and destroy.” HARVILLE replied, “Copy. Totally black[.] I’m deleting this now.”
- p. On or about August 12, 2019, BAUGH sent Popp, Stockwell, Zea, and other GIC analysts the following WhatsApp message: “Starting now through Tuesday night double our effort on everything. Spam, house deliveries, etc. I don’t want anything delivered on Thursday, so the cutoff should be Wednesday night – wake them up with a limo driver or something and then everything goes cold Thursday morning. … Take down all Craigslist posts late Wednesday night. Stop spam late Wednesday night, etc.”
- q. On or about August 12, 2019, one or more members of the conspiracy sent a book titled “Grief Diaries: Surviving Loss of a Spouse” to the Victims’ home.
- r. On or about August 12, 2019, Popp used the “@Tui\_Elei” Twitter account to post publicly to Victim 1’s Twitter account: “[Victim 1]…wats ur problem with ebay??”
- s. On or about August 12, 2019, Popp used the “Tui\_Elei” Twitter account to post publicly to Victim 1’s Twitter account: “many familys including mine make money 2 pay 4 food cloths and rent by selling on ebay...UR stupid idkiot comments r pushin buyers away from ebay and hurtin familys!!! STOP IT NOW!!”
- t. On or about August 13, 2019, one or more members of the conspiracy used a prepaid debit card to order a funeral wreath for delivery to the Victims’ home.
- u. On or about August 14, 2019, one or more members of the conspiracy ordered live cockroaches for delivery to the Victims’ home.
- v. On or about August 14, 2019, Popp used the @Tui Elei Twitter account to post a public message to Victim 1’s Twitter account: “[First name of Victim 1] wen u hurt our bizness u hurt our familiys...Ppl will do ANYTHING 2 protect family!!!!”
- w. On or about August 14, 2019, BAUGH, HARVILLE, Zea, Gilbert, and Popp met to discuss a trip to Natick, Massachusetts to install a GPS tracking device on the Victims’ car and to surveil the Victims. At the meeting, BAUGH instructed Zea to stop harassing deliveries that would interfere with the surveillance operation.

- x. On or about August 14, 2019, Zea attempted to register herself and HARVILLE for a software development conference in Boston as false cover for the surveillance trip.
- y. On or about August 15, 2019, HARVILLE used his eBay-issued phone to visit a website that could be used to monitor the “Natick Police and Fire Live Audio Feed.”
- z. On or about August 15, 2019, BAUGH, HARVILLE, and Zea flew from California to Boston, Massachusetts.
- aa. On or about August 15, 2019, Stockwell sent a text message to HARVILLE providing the license plate numbers for the Victims’ cars.
- bb. On or about August 15, 2019, BAUGH, HARVILLE, and Zea drove to the Victims’ home in Natick and attempted unsuccessfully to install a GPS tracking device on the Victims’ car, which was locked in the Victims’ garage.
- cc. On or about August 15, 2019, BAUGH, HARVILLE, Popp, and Zea dialed in to a conference line to communicate during the surveillance operation and to monitor the NPD dispatch.
- dd. On or about August 15, 2019, BAUGH directed Stockwell by WhatsApp message to prepare an eBay “Person of Interest” report (“POI Report”) that listed the Victims as eBay’s top POIs. BAUGH wrote, “In the narrative I need you to write that they have made direct threats to ebay, [eBay’s CEO], and our employees (make it up).”
- ee. On or about August 16, 2019, HARVILLE purchased tools at a Boston hardware store for the purpose of breaking into the Victims’ locked garage.
- ff. On or about August 16, 2019, BAUGH, HARVILLE, and Zea returned to Natick in a rented Dodge Caravan to surveil the Victims, and drove past their home repeatedly.
- gg. On or about August 16, 2019, HARVILLE dialed in to the surveillance team’s conference line.
- hh. On or about August 16, 2019, BAUGH, HARVILLE, and Zea followed Victim 2 as he drove around Natick.
- ii. On or about August 16, 2019, believing that Victim 2 had spotted the surveillance, BAUGH returned the Dodge Caravan to the rental car agency.
- jj. On or about August 16, 2019, after the failed surveillance, BAUGH directed that harassing deliveries to the Victims resume.

- kk. On or about August 17, 2019, at 3:08 a.m. (ET), Stockwell researched Boston-area 24-hour drain repair services on the internet for the purpose of sending a repairman to the Victims' home in the middle of the night.
- ll. On or about August 17, 2019, one or more members of the conspiracy ordered pizza to be delivered to the Victims' home at 4:30 a.m., for payment upon delivery.
- mm. On or about August 17, 2019, HARVILLE returned to California, and Popp traveled to Boston to replace him on the surveillance team.
- nn. On or about August 18, 2019, Popp replied to a public tweet on Victim 1's Twitter account using the @Tui Elei account and stated: "Dis ur address???" The message was followed by information about Victim 1, accurately stating her name, age, address, and telephone number.
- oo. On or about August 18, 2019, Popp sent the following DM from the @Tui\_Elei Twitter account to Victim 1's Twitter account: "U get my gifts cunt!!??"
- pp. On or about August 18, 2019, one or more members of the conspiracy posted an advertisement on Craigslist claiming to be a married couple seeking a sexual partner or partners, and providing the Victims' home address.
- qq. On or about August 18, 2019, BAUGH, Popp, and Zea followed Victim 2 as he drove in Natick, which enabled Victim 2 to take a photograph of the surveillance team's license plate.
- rr. On or about August 20, 2019, BAUGH sent a text message to Popp, Gilbert, and Cooke that the conspiracy had "burned" two surveillance cars and that either the Victims or the NPD were "seeing ghosts right now."
- ss. On or about August 20, 2019, BAUGH forwarded to Gilbert the POI Report falsely indicating that the Victims were security threats to eBay. In a WhatsApp message to Gilbert, Cooke, and Popp, BAUGH stated: "Just sent poi doc with [Victims] included. I had GIC send this to me last week in case we got stopped..that way would at least have something to show to PD."
- tt. On or about August 20, 2019, after Twitter suspended the @Tui\_Elei account for posting the Victims' home address, Popp created a new Twitter account, @Elei\_Tui, for use in harassing the Victims.
- uu. On or about August 20, 2019, Popp also created two other Twitter accounts, including one that used the name of a prominent eBay seller.

- vv. On or about August 21, 2019, Zea and BAUGH made false statements to an NPD detective who came to the surveillance team's hotel to investigate Zea and HARVILLE's connection to the cyberstalking campaign.
- ww. On or about August 21, 2019, at approximately 9:36 a.m. (ET), BAUGH sent the following text message to Popp, Gilbert, and Cooke: "Natick detective is in lobby looking for [Zea]. I've taken her away from hotel headed to airport...Detective called her cell. I answered just now as her husband and played dumb."
- xx. On or about August 21, 2019, at approximately 9:39 a.m. (ET), Gilbert proposed to BAUGH, Cooke, and Popp bringing "dossiers" on the Victims to the NPD: "Definitely want to make them look crazy."
- yy. On or about August 21, 2019, between approximately 10:30 a.m. and 12:00 p.m. (ET), Popp sent more threatening tweets to and about Victim 1 and the Newsletter ("the Concerning Tweets"). Popp used the three Twitter accounts that she had created the night before to have a public "conversation" on Twitter, asking over one account what Victim 1's address was, and responding from the other "guest I hav to pay [Victim 1] a visit."
- zz. On or about August 21, 2019, minutes after writing the Concerning Tweets, Popp forwarded images of the Concerning Tweets to BAUGH and Gilbert, writing falsely that Victim 1 was "really bringing out some angry Twitter users."
- aaa. On or about August 21, 2019, at approximately 12:34 p.m. (ET), BAUGH forwarded the Concerning Tweets to HARVILLE.
- bbb. On or about August 21, 2019, at approximately 2:30 p.m. (ET), executing the White Knight Strategy, Gilbert called the Victims, identified himself as an eBay employee, and offered eBay's assistance.
- ccc. After the call, Gilbert messaged BAUGH, Popp, and Cooke that the Victims were "totally rattled."
- ddd. Thereafter, still on August 21, 2019, Gilbert spoke, text messaged, and emailed with an NPD detective who was handling the investigation into the harassment of the Victims. Gilbert falsely claimed not to know Zea or HARVILLE and falsely stated that he had to travel to Toronto and New York but would instead attempt to come to Boston to meet with the NPD.
- eee. On or about August 21, 2019, after learning that the NPD was investigating the use of a prepaid debit card to purchase pizzas for delivery to the Victims, BAUGH and Popp directed Stockwell to prepare a list of eBay "Persons of Interest" in the San

Francisco Bay Area that could be used (as part of Gilbert's "dossier") to deflect attention from Zea.

fff. On or about August 21, 2019, Stockwell created the document that BAUGH requested—"Bay Area POIs\_August 2019.docx"—and emailed it to Popp and BAUGH, who forwarded it to Gilbert for use in the NPD meeting.

ggg. On or about August 22, 2019, Gilbert and another eBay employee met with three NPD officers at the NPD. During the meeting, Gilbert falsely stated that:

- Zea and HARVILLE had come to Boston to attend a conference;
- Popp was Zea's supervisor; and
- Popp had assigned Zea to a Person of Interest investigation regarding the Victims, and that Zea had driven to Natick "on her own."

hhh. On or about August 22, 2019, after the NPD meeting, Popp used one of the new Twitter accounts to post "@[Newsletter] 20 yrs of lies n distroin familys... dunt b proud of dat u wurthless BITCH!!! i wil distroy ur family n bizness 2... C how u like it...\\n\\n@Elei\_Tui wen r we goin 2 visit her in natik????"

iii. On or about August 23, 2019, HARVILLE falsely told eBay investigators that he had traveled to Boston to attend a conference, he had not been in Natick, and he had not had any interaction with the Victims or the NPD.

jjj. On or about August 23, 2019, BAUGH falsely told eBay investigators his team was not responsible for harassing messages or deliveries and that his team had been in Natick to investigate threats to the Victims.

kkk. On or about August 26, 2019, HARVILLE falsely told eBay investigators that he didn't know whether Zea had gone to Natick and that he had not worked on a matter involving the Victims.

lll. On or after August 26, 2019, BAUGH, HARVILLE, Popp, Zea, Gilbert, and others deleted and attempted to delete data from their mobile phones that evidenced the conspiracy, including WhatsApp messages.

mmm. On or about August 27, 2019, HARVILLE falsely told eBay investigators that he had attended a conference in Boston with Zea.

- nnn. On or about August 28, 2019, BAUGH falsely told eBay investigators that his team was not responsible for the deliveries or harassing communications.
- ooo. On or about August 30, 2019, BAUGH directed an eBay employee to retrieve computers from the GIC and to bring them to his house.
- ppp. On or about August 30, 2019, after receiving an email from an eBay investigator directing him to preserve relevant information and to turn in his eBay-issued cell phone, HARVILLE messaged BAUGH, Gilbert, and Popp, "Want me to wipe it."
- qqq. On or about August 30, 2019, HARVILLE turned in his eBay-issued cell phone from which significant data related to his trip to Natick had been deleted.
- rrr. On or about September 6, 2019, Popp posted five new Tweets to one of the Twitter accounts that the defendants and their coconspirators had used to harass the Victims, to suggest that those responsible for harassing the Victims were still at large.

COUNT ONE

Conspiracy To Commit Stalking Through Travel and Through Facilities of Interstate Commerce  
(18 U.S.C. § 371)

The Grand Jury charges:

17. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 16(rrr) of this Indictment.

18. From on or about August 5, 2019 through at least September 6, 2019, in the District of Massachusetts and elsewhere, the defendants,

JIM BAUGH and  
DAVID HARVILLE,

conspired with each other and with others known and unknown to the Grand Jury to commit offenses against the United States, to wit:

- a. stalking through interstate travel, that is, to travel in interstate commerce with the intent to harass, intimidate, and place under surveillance with intent to harass and intimidate another person, and in the course of, and as a result of, such travel, engage in conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, specifically, Victims 1 and 2, in violation of 18 U.S.C. § 2261A(1)(B); and
- b. stalking through facilities of interstate commerce, that is, to – with the intent to harass, intimidate, and place under surveillance with intent to harass and intimidate another person – use the mail, any interactive computer service, electronic communication service, electronic communication system of interstate commerce, and any other facility of interstate and foreign

commerce to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, specifically, Victims 1 and 2, in violation of 18 U.S.C. § 2261A(2)(B).

All in violation of 18 U.S.C. § 371.

COUNTS TWO - THREE  
Stalking Through Interstate Travel; Aiding and Abetting  
(18 U.S.C. §§ 2261A(1)(B) and 2)

The Grand Jury further charges:

19. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 16(rrr) of this Indictment.

20. From on or about August 15, 2019 through on or about August 23, 2019, in the District of Massachusetts and elsewhere, the defendant,

JIM BAUGH,

did travel in interstate commerce with the intent to harass, intimidate, and place under surveillance with intent to harass and intimidate another person, and in the course of, and as a result of, such travel engaged in conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to the persons described below:

COUNT	VICTIM
2	Victim 1
3	Victim 2

All in violation of 18 U.S.C. §§ 2261A(1)(B) and 2.

COUNTS FOUR - FIVE  
Stalking Through Interstate Travel; Aiding and Abetting  
(18 U.S.C. §§ 2261A(1)(B) and 2)

The Grand Jury further charges:

21. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 16(rrr) of this Indictment.

22. From on or about August 15, 2019 through on or about August 17, 2019, in the District of Massachusetts and elsewhere, the defendant,

DAVID HARVILLE,

did travel in interstate commerce with the intent to harass, intimidate, and place under surveillance with intent to harass and intimidate another person, and in the course of, and as a result of, such travel engaged in conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to the persons below: :

COUNT	VICTIM
4	Victim 1
5	Victim 2

All in violation of 18 U.S.C. § 2261A(1)(B) and 2.

COUNTS SIX - SEVEN  
Stalking Through Facilities of Interstate Commerce; Aiding and Abetting  
(18 U.S.C. §§ 2261A(2)(B) and 2)

The Grand Jury further charges:

23. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 16(rrr) of this Indictment.

24. From on or about August 5, 2019 through on or about August 23, 2019, in the District of Massachusetts and elsewhere, the defendant,

JIM BAUGH,

did, with the intent to harass, intimidate, and place under surveillance with the intent to harass and intimidate another person, use the mail, an interactive computer service, electronic communication service, electronic communication system of interstate commerce, and other facilities of interstate commerce to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to the persons described below:

COUNT	VICTIM
6	Victim 1
7	Victim 2

All in violation of 18 U.S.C. §§ 2261A(2)(B) and 2.

COUNTS EIGHT - NINE

Stalking Through Facilities of Interstate Commerce; Aiding and Abetting  
(18 U.S.C. §§ 2261A(2)(B) and 2)

The Grand Jury further charges:

25. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 16(rrr) of this Indictment.

26. From on or about August 15, 2019 through on or about August 17, 2019, in the District of Massachusetts and elsewhere, the defendant,

DAVID HARVILLE,

did, with the intent to harass, intimidate, and place under surveillance with the intent to harass and intimidate another person, use the mail, an interactive computer service , electronic computer service, electronic communication system of interstate commerce, and other facilities of interstate commerce to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to the persons below:

COUNT	VICTIM
8	Victim 1
9	Victim 2

All in violation of 18 U.S.C. §§ 2261A(2)(B) and 2.

**COUNTS TEN - ELEVEN**  
Witness Tampering; Aiding and Abetting  
(18 U.S.C. §§ 1512(b)(3) and 2)

The Grand Jury further charges:

27. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 16(rrr) of this Indictment.

28. From on or about August 20, 2019 through on or about August 30, 2019, in the District of Massachusetts and elsewhere, the defendant,

JIM BAUGH,

did knowingly engage in misleading conduct toward the persons described below, with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a Federal offense, that is, the conspiracy described in Count One of this Indictment.

COUNT	OBJECT OF MISLEADING CONDUCT
10	NPD Detective
11	eBay Internal Investigator

All in violation of 18 U.S.C. § 1512(b)(3) and 2.

COUNT TWELVE

Witness Tampering; Aiding and Abetting  
(18 U.S.C. §§ 1512(b)(3) and 2)

The Grand Jury further charges:

29. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 16(rrr) of this Indictment.

30. From on or about August 21, 2019 through on or about August 30, 2019, in the District of Massachusetts and elsewhere, the defendant,

DAVID HARVILLE,

did knowingly engage in misleading conduct toward the person described below, with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a Federal offense, that is, the conspiracy charged in Count One of this Indictment.

COUNT	OBJECT OF MISLEADING CONDUCT
12	eBay Internal Investigator

All in violation of 18 U.S.C. §§ 1512(b)(3) and 2.

COUNTS THIRTEEN - FOURTEEN  
Destruction, Alteration and Falsification of Records in a Federal Investigation; Aiding and  
Abetting  
(18 U.S.C. §§ 1519 and 2)

The Grand Jury further charges:

31. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 16(rrr) of this Indictment.

32. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendant,

JIM BAUGH,

did knowingly alter, destroy, conceal and falsify the records, documents, and tangible objects below with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of any department and agency of the United States, that is, the conspiracy charged in Count One of this Indictment.

COUNT	DATE	Record Destroyed or Falsified
13	August 21, 2019	Bay Area POIs_August 2019.docx
14	August 26 to August 30, 2019	Records on eBay-issued Cell Phone

All in violation of 18 U.S.C. §§ 1519 and 2.

COUNT FIFTEEN

Destruction, Alteration and Falsification of Records in a Federal Investigation; Aiding and  
Abetting  
(18 U.S.C. §§ 1519 and 2)

The Grand Jury further charges:

33. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 16(rrr) of this Indictment.

34. On or about August 30, 2019, in the District of Massachusetts and elsewhere, the defendant,

DAVID HARVILLE,

did knowingly alter, destroy, conceal, and falsify the records, documents, and tangible objects below with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of any department and agency of the United States, that is, the conspiracy charged in Count One of this Indictment.

COUNT	DATE	Record Destroyed or Falsified
15	August 30, 2019	Content of eBay-Issued Cell Phone

All in violation of 18 U.S.C. §§ 1519 and 2.

FORFEITURE ALLEGATION  
(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

35. Upon conviction of one or more of the offenses in violation of Title 18, United States Code, Sections 371, 1512(b)(3) or 2, set forth in Counts 1 and 10 through 12, the defendants,

JAMES BAUGH and  
DAVID HARVILLE,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.

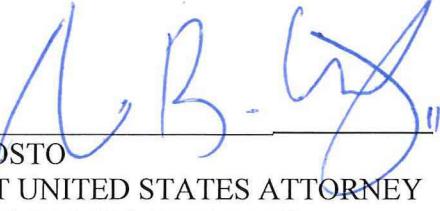
36. If any of the property described in Paragraph 36, above, as being forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendants --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in Paragraph 36 above.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

  
\_\_\_\_\_  
FOREPERSON

SETH B. KOSTO  
ASSISTANT UNITED STATES ATTORNEY  
DISTRICT OF MASSACHUSETTS

  
\_\_\_\_\_  
November 3, 2020

District of Massachusetts: October 3, 2020  
Returned into the District Court by the Grand Jurors and filed.

  
\_\_\_\_\_  
DEPUTY CLERK

11/3/2020 @ 2:05pm